

UNITED STATES COURT OF APPEALS

FEB 3 2005

TENTH CIRCUIT

PATRICK FISHER
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

STEVEN R. STONE,

Defendant-Appellant.

No. 04-2144
(District of New Mexico)
(D.C. No. CR-04-469-RB)

ORDER AND JUDGMENT*

Before **EBEL**, **MURPHY**, and **McCONNELL**, Circuit Judges.

After examining the briefs and the appellate record, this court has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). This case is therefore ordered submitted without oral argument.

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Steven R. Stone was found guilty by a magistrate judge of camping longer than permitted in a National Forest in violation of 36 C.F.R. § 261.58(a). The district court affirmed Stone's conviction and he now appeals *pro se*. On appeal Stone argues that the federal courts lack subject matter jurisdiction over this matter.

Federal courts have jurisdiction over all cases arising under the Constitution and laws of the United States. U.S. Const. art. III, § 2, cl. 1. Federal district courts have original jurisdiction "of all offenses against the laws of the United States." 18 U.S.C. § 3231. Congress has authorized the Secretary of Agriculture to issue rules and regulations related to the occupancy and use of National Forests and any person charged with violating such regulations may be tried by a magistrate judge. 16 U.S.C. § 551; 18 U.S.C. § 3401.

Stone's jurisdictional challenge is without merit because he was charged with violating 36 C.F.R. § 261.58(a), a regulation promulgated pursuant to 16 U.S.C. § 551, and his conviction is therefore **affirmed**.

ENTERED FOR THE COURT

Michael R. Murphy
Circuit Judge